

04 JUN 2002



COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20590
WWW.USPTO.GOV

James W. McClain
Brown, Martin, Haller & McClain
1660 Union Street
San Diego, CA 92101

In re Application of	:	
MYERS, et al.	:	
Application No.: 08/809,677	:	DECISION ON PETITION
PCT No.: PCT/US94/10935	:	
Int. Filing Date: 27 September 1994	:	UNDER 37 CFR 1.47(a)
Priority Date: 27 September 1994	:	
Attorney Docket No.: 07354/004001	:	
For: ARTIFICIAL LIVER APPARATUS AND	:	
METHOD	:	

This is a decision on applicant's "Response to Decision on Renewed Petition Under 37 C.F.R. §1.47(b) and Request For Reconsideration of Said Decision" filed in the United States Patent and Trademark Office (USPTO) on 20 February 2002 and supplemented on 27 February 2002. As the present renewed petition is accompanied by a declaration executed by one of the previous non-signing inventors the petition is being treated as a petition under 37 CFR 1.47(a).

BACKGROUND

On 20 December 2001, applicant was mailed a decision dismissing applicant's renewed petition under 37 CFR 1.47(b). Applicant was afforded two months to file a response.

On 20 February 2002, applicant filed the present renewed petition.

On 27 February 2002, applicant filed by facsimile a supplement to papers filed 20 February 2002.

DISCUSSION

As noted above, applicant has provided a declaration executed by inventor Edward F. MYERS and therefore the renewed petition is being considered under 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the requisite \$130 petition fee; (2) 37 CFR 1.47(a)(2) (a) and (b) that the missing joint inventor refuses to execute

proceeding pursuant to 37 CFR 1.47(b), applicant previously satisfied items (1) and (3).

As to item (2) above, applicant previously satisfied this item as to inventor Demetriou. Applicant has now provided firsthand knowledge that the remaining non-signing inventor, Dr. Li was provided a complete set of the application papers and cover letter seeking his signature on the provided declaration and that he refused to execute said declaration. Applicant has thus satisfied item (2).

Regarding item (4), applicant has now provided a declaration executed by inventor Myers executed on his behalf and on the behalf of the non-signing joint inventors Demetriou and Li.

CONCLUSION

Applicant's petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 27 September 1994 under 35 U.S.C. 363, and will be given a date of **20 February 2002** under 35 U.S.C. 371(c).

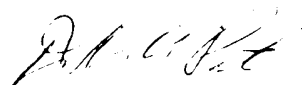
As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.



Leonard Smith
Legal Examiner
PCT Legal Office



Derek A. Putonen
Petitions Attorney
PCT Legal Office
Tel: (703) 305-0130
Fax: (703) 308-6459